IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 25TH JULY 2006 / 3RD SRAVANA 1928

Bail Appl..No. 4417 of 2006

(CRIME NO. 65/2006 OF ALAPPUZHA SOUTH POLICE STATION)

PETITIONER/ACCUSED

---

1. AFSAL @ APPAL,
   S/O.ISMAIL KABEER,
   PARAMBIL HOUSE, VALIYAKULAM WARD,
   ALAPPUZHA.

2. MONY FAIZAL, AGED 20 YEARS,
   S/O.RASHEED, THOTTUNKAL PURAYIDAM,
   V.P.ROAD, ZAKARIA WARD, ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2006, ALONG WITH B.A.4418/06 AND 4423/06, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4417/06, 4418/06 & 4423/06

DATED THIS THE 25TH DAY OF JULY, 2006

O R D E R

There are two petitioners, accused 1 and 3 in crime No.65/2006 of Alappuzha South Police Station, for the offence punishable under Sections 324, 326 and 308 IPC read with Section 34 IPC, B.A.No.4417/2006. The allegation is that the accused had inflicted injuries on the defacto complainant, because of the previous enimity, on 27.1.2006 at 8.00 p.m.

2. B.A.No.4418/2006 is preferred by the petitioner, who is the second accused in crime No.72/2006 of the very same police station, for the offence punishable under Sections 323, 324 and 308 IPC read with Section 34 IPC. The occurrence in this crime took place on 28.1.2006 at 1.20 a.m, around the medical college hospital, Alappuzha.

3. The petitioner in B.A.No.4423/2006 is the first accused in crime No.63/2006 of Alappuzha South Police

Station for the offence punishable under Sections 324, 326 and 308 IPC read with Section 34 IPC. The occurrence took place on 27.1.2006 at 12.45 a.m, where the defacto complainant was attacked with deadly weapons by the petitioners as well as others.

4. The facts on the above cases reveal that Afsal, who is a C.I.T.U employee, because of the previous enmity, attacked others, causing injuries on the respective defacto complainants. The learned counsel submits that the occurrence may have taken place on the same day on 27.1.2006 and it may not be different incidents as alleged. The learned Public Prosecutor on the other hand submits that after inflicting injuries on the defacto complainant on 27.1.2006 at 12.45 a.m, the injured in that case was in hospital. The other incidents took place around the medical college hospital witnessed by others, including the injured persons, who were admitted in the hospital.

5. After considering the materials on record, I

find that granting of an order, under Section 438 Cr.P.C., would be detrimental to the prosecution case. Therefore, I decline the prayer.

The applications are dismissed as above.

J.M.JAMES
JUDGE

mrcs